

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Michael Hanson

v.

Civil No. 11-fp-534

Stephen Church, Superintendent,
Rockingham County House of
Corrections

O R D E R

Plaintiff initially filed a document entitled "Petition for Expedited Writ of Habeas Corpus" (doc. no. 1). Because that pleading challenged allegedly unconstitutional conditions of plaintiff's confinement at the Rockingham County House of Corrections ("RCHC"), rather than the state court judgment confining him there, the court construed the pleading as a civil rights action filed pursuant to 42 U.S.C. § 1983, and directed the Clerk's office to docket the matter accordingly (doc. no. 2).

Plaintiff has now filed a "Motion to Reconsider and Request for Immediate Relief" (doc. no. 4). To the extent Hanson seeks a reconsideration of the court's prior order directing that the case be docketed as a § 1983 action, the motion is DENIED.

Plaintiff requests injunctive relief in both his complaint (doc. no. 1) and his motion (doc. no. 4), and the court has construed those documents to contain a request for a preliminary injunction. The District Judge has referred the request for a preliminary injunction to this Magistrate Judge for consideration and a report and recommendation as to disposition (doc. no. 5).

The complaint alleges that Hanson: (1) has high cholesterol and is being denied medication to treat that condition; (2) is being denied therapy and medication for severe depression and other mental disorders; and (3) has been threatened or harassed by other inmates at the RCHC, and that RCHC officials have improperly responded to those threats by segregating Hanson in punitive conditions. Plaintiff seeks an order from this court directing that he be released from incarceration as a result of these challenged conditions of his confinement or, in the alternative, an order from this court directing RCHC officials to provide him with medical and mental health treatment and remove threatening and harassing inmates from his housing unit.

On the face of the pleadings, Hanson has not asserted that he requires emergency relief for a denial of high cholesterol medication or for restrictive housing conditions. Liberally construed,

however, the complaint asserts that the RCHC's failure to provide Hanson with medication or therapy to treat his mental illnesses has created a risk that Hanson will commit suicide. To that extent, Hanson has asserted that he may be entitled to injunctive relief to mitigate that risk.

The court now directs as follows:

1. An evidentiary hearing on Hanson's request for a preliminary injunction will be held on December 13, 2011, at 9:30 a.m. The hearing will be limited to consideration of plaintiff's request for an injunction directing that Hanson receive mental health treatment.

2. Hanson's complaint states that the issues concerning the conditions of his confinement at the RCHC raised here have been previously litigated in the Rockingham County Superior Court. Defendant is directed to provide this court, no later than Wednesday, December 7, 2011, with copies of any state court pleadings or state court rulings related to the issue of Hanson's mental health treatment at the RCHC.

3. Defendant is directed to provide this court, no later than Wednesday, December 7, 2011, with a copy of all of plaintiff's medical and mental health records in the possession of RCHC. The records

shall be filed in this court under seal. Defendant shall also provide a copy of the records to plaintiff by December 7, 2011.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: December 1, 2011

cc: Michael Hanson, pro se
Stephen Church, Rockingham County House of Corrections
Office of the Rockingham County Attorney
Rockingham County Treasurer & Board of Commissioners

LBM:jba